

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK TIMES CO. &
CHARLIE SAVAGE,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.
----- X

17 Civ. 1946 (PKC)

ANSWER

Defendant the United States Department of Justice (“DOJ”) answers the complaint as follows:

1. Paragraph 1 of the complaint contains plaintiffs’ characterization of the nature of this action, to which no response is required.
2. Admits the allegations in paragraph 2 of the complaint.
3. Paragraph 3 of the complaint contains plaintiffs’ characterization of DOJ regulations, to which no response is required. To the extent a response is required, respectfully refers the Court to those regulations for a true and complete statement of their contents.
4. Paragraph 4 of the complaint contains plaintiffs’ characterization of DOJ regulations, to which no response is required. To the extent a response is required, respectfully refers the Court to those regulations for a true and complete statement of their contents.
5. Paragraph 5 of the complaint contains plaintiffs’ characterization of the nature of this action, to which no response is required.
6. Paragraph 6 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 6 of the

complaint but avers that no records have been disclosed in response to the FOIA Request.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the complaint.

9. Admits the allegation in paragraph 9 of the complaint that DOJ is an agency of the federal government; otherwise denies the allegations.

10. Paragraph 10 of the complaint asserts conclusions of law, to which no response is required.

11. Paragraph 11 of the complaint asserts conclusions of law, to which no response is required.

12. Paragraph 12 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 12 of the complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the complaint.

14. Admits the allegations in paragraph 14 of the complaint.

15. Admits the allegations in paragraph 15 of the complaint.

16. Admits the allegations in paragraph 16 of the complaint.

17. Admits the allegations in paragraph 17 of the complaint.

18. Paragraph 18 of the complaint asserts conclusions of law, to which no response is required; to the extent a response is required, denies the allegations in paragraph 18 of the complaint but avers that no records have been disclosed in response to the FOIA Request.

19. Repeats and realleges the responses in the previous paragraphs of this answer.

20. Paragraph 20 of the complaint asserts conclusions of law, to which no response is required.

21. Paragraph 21 of the complaint asserts conclusions of law, to which no response is required.

22. Paragraph 22 of the complaint asserts conclusions of law, to which no response is required; otherwise denies the allegations.

23. Paragraph 23 of the complaint asserts conclusions of law, to which no response is required; otherwise denies the allegations.

24. Paragraphs 24–27 of the complaint constitute plaintiffs’ request for relief, to which no response is required.

Defenses

1. The government has exercised due diligence in processing plaintiff’s FOIA request and exceptional circumstances exist that necessitate additional time for the government to process the FOIA request. *See* 5 U.S.C. § 552(a)(6)(C).

2. Some or all of the documents requested in the FOIA request are exempt from disclosure, in whole or in part. *See* 5 U.S.C. § 552(b).

WHEREFORE, defendant respectfully requests judgment dismissing the complaint and granting such other and further relief as this Court deems just and proper, including costs and disbursements.

Dated: New York, New York
April 28, 2017

Respectfully submitted,

JOON H. KIM
Acting United States Attorney for the
Southern District of New York
Attorney for Defendant

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